

FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & JOHN

AMERICAN BANKERS LIFE ASSURANCE)	
COMPANY OF FLORIDA, Inc.,)	
)	
Plaintiff,)	Civil No. 2004-70
)	
v.)	
)	
VANDERLYN PETTY, ELLIS O.)	
CHRISTIAN, TANESHIA STEVENS, a)	
minor and RICHARD P. FARRELLY,)	
Esq., the Court-Appointed Guardian)	
ad litem for the minor, and certain)	
interested persons,)	
)	
Defendants.)	
_____)	

ATTORNEYS:

Richard E. Daley II, Esq.
St. Croix, U.S.V.I.
For the plaintiff.

Vanderlyn Petty
Pro se defendant.

Ellis O. Christian
Pro se defendant.

Richard P. Farrelly, Esq.
St. Thomas, U.S.V.I.
Guardian ad litem for minor Taneshia Stevens.

ORDER

GÓMEZ, C.J.

This matter came on for a status conference on May 15, 2008.
Pro se defendants Vanderlyn Petty and Ellis O. Christian did not

attend the status conference. The guardian *ad litem* for the minor Taneshia Stevens was in attendance. Counsel for the plaintiff, Richard E. Daley II, Esq. ("Daley"), did not attend the status conference. The Court's records indicate that a notice of the status conference was sent electronically to Daley at the address registered in the Court's electronic case filing system. Once the status conference had begun, the Court inquired about Daley's whereabouts and attempted several times to make contact with him at his office telephone number. Despite its efforts, the Court could not reach Daley. After the status conference, the Court made further attempts to contact Daley. Those attempts were also unsuccessful.

The Court has encountered difficulty in contacting Daley in other matters as well. In *Fisher v. Hardrock*, Civil No. 2003-170, for instance, Daley repeatedly failed to respond to motions filed by opposing counsel and to appear at status conferences scheduled by the Court. Consequently, the Court relieved Daley of his representation of the defendant in that case, and ordered his client to obtain successor counsel within thirty days of the date of the Court's order.

Rule 1.3 of the American Bar Association's Model Rules of Professional Conduct provides that "[a] lawyer shall act with reasonable diligence and promptness in representing a client."

The Preamble to the Model Rules states that "[a]s advocate, a lawyer zealously asserts the client's position under the rules of the adversary system."

Through his consistent failures to attend Court-scheduled status conferences and hearings and to address motions by opposing counsel that may be adverse to his clients' interests, Daley has fallen far short of meeting the standards articulated above. The premises considered, it is hereby

ORDERED that Daley is **RELIEVED** of his representation of the plaintiff in this matter; it is further

ORDERED that the plaintiff shall engaged substitute counsel, if any, within thirty days of the date of this order; and it is further

ORDERED that this order shall be referred to the Virgin Islands Bar Association.

S_____
CURTIS V. GÓMEZ
Chief Judge

Copies to: Richard E. Daley II, Esq.
Vanderlyn Petty, *pro se*
Ellis O. Christian, *pro se*
Richard P. Farrelly, Esq.